

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

---

JP MORGAN, CHASE BANK, N.A.

and

FEDERAL DEPOSIT INSURANCE  
CORPORATION, AS RECEIVER OF  
WASHINGTON MUTUAL BANK,

*Appellants,*

v.

WASHINGTON MUTUAL, INC., AND  
WMI INVESTMENT CORP.

*Appellees.*

---

C.A. No. 09-cv-00615 (GMS)

Bk. Adv. No. 09-50551 (MFW)

**MOTION FOR LEAVE TO EXCEED PAGE LIMITATION**

JP Morgan Chase Bank, National Association (“JPMC”) & the Federal Deposit Insurance Company (“FDIC”), hereinafter (the “Appellants”) filed four appeals from the Bankruptcy Court of the District of Delaware. (Collectively, 09-CV-615 (D.I. 2), 09-CV-616 (D.I. 2), 09-CV-617 (D.I. 2), 09-CV-618 (D.I. 2)) (GMS)). Pursuant to the Court's Order granting the stipulated briefing schedule, Appellants each filed opening briefs on July 15, 2009. Washington Mutual Inc.'s and WMI Investment Corp.'s (“Appellees”) answering briefs are due on October 19, 2009.

On September 28, 2009, Appellees and Appellants filed a Joint Motion to Consolidate (D.I. 17) the four appeals. The Joint Motion was granted by the Court on October 5, 2009, consolidating the four appeals to case number 09-CV-615 (D.I. 18).

Rather than file multiple answering briefs, and in view of the Court's Order granting the Motion to Consolidate, Appellees hereby request leave to exceed the page limit prescribed by

Chambers Procedures limiting answering briefs to twenty pages by ten pages (to thirty), in order to file one consolidated answering brief.

In assessing whether Appellees have demonstrated cause for leave to exceed the page limit, we ask the Court to consider the judicial economy in allowing the Appellees to file one answering brief, rather than filing at least two separate briefs to the multiple opening briefs. Appellants have consented to Appellees' request.

WHEREFORE, Appellees respectfully request this Court grant them leave to exceed the page limitation by ten pages, permitting Appellees to submit one thirty-page answering brief on appeal, responsive to each of the opening briefs originally filed in separate matters now consolidated in this appeal.

Respectfully Submitted,

DATED: October 7, 2009  
Wilmington, Delaware

**ELLIOTT GREENLEAF**

/s/ Neil R. Lapinski

Rafael X. Zahralddin-Aravena (DE Bar No. 4166)

Neil R. Lapinski (DE Bar No. 3645)

Shelley A. Kinsella (DE Bar No. 4023)

Theodore A. Kittila (DE Bar No. 3963)

1105 North Market Street, Suite 1700

Wilmington, Delaware 19801

Telephone: (302) 384-9400

Facsimile: (302) 384-9399

E-mail: rxza@elliottgreenleaf.com

E-mail: nrl@elliottgreenleaf.com

E-mail: sak@elliottgreenleaf.com

-and-

QUINN EMANUEL URQUHART

OLIVER & HEDGES, LLP

Peter E. Calamari

Michael B. Carlinsky

Susheel Kirpalani

David Elsberg

51 Madison Avenue  
New York, New York 10010  
Telephone: (212) 849-7000  
Facsimile: (212) 849-7100

*Special Litigation and Conflicts Co-Counsel to  
Washington Mutual, Inc. and WMI Investment  
Corp.*